

REMARKS

This is in response to the Office Action of March 28, 2008. Claims 1-4 and 7-17 are pending in the application.

Prior art rejections

Claims 1-4, 7, 8, and 15-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US 2003/0223026 A1 (hereinafter Morishima) in view of JP 4-286611 (hereinafter JP '611). Office Action, page 2. Claims 9-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Morishima in view of JP '611 and US 5,806,834 (hereinafter Yoshida). Office Action, pages 2-3.

The Morishima application was published on December 4, 2003. Since the present application was filed in the U.S. prior to that date (on September 16, 2003), the Morishima publication is being used as reference under the provisions of 35 U.S.C. § 102(e).

Both the present invention and the invention of the Morishima application were owned by FUJIFILM Corporation (or its predecessor, Fuji Photo Film Co., Ltd.) at the time the invention of application Serial No. 10/662,390 (the present invention) was made. Therefore, according to the provisions of 35 U.S.C. § 103(c), the Morishima publication is not available as a reference to reject the present application under 35 U.S.C. § 103(a).

Conclusion

All of the stated grounds of rejection have been rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all rejections of record. It is believed that a full and complete response has been made to the outstanding Office Action and that, as such, the present application is in condition for allowance.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Richard Gallagher, Registration

No. 28,781, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: June 30, 2008

Respectfully submitted,

By 
RC Marc S. Weiner
Registration No.: 32,181
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant